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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re application of
Thomas Worrell, et al.
Application No. 10/804,567
Filed: March 19, 2004
For: CONSTRUCTION OVERLAY COMPOSITION
AND WALL STRUCTURE

: **DECISION ON PETITION**
:
: **TO MAKE SPECIAL**
: **(ENVIRONMENT) OR (ENERGY)**
:

This is a decision on the petition filed on March 19, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or alternatively, Section VI: Energy.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements under 37 CFR 1.102 by applicant or his attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

Applicants' invention relates to a fortified adobe-type construction composition and wall structure.

Applicants' petition includes a statement by applicants' agent, Jacqueline E. Hartt, PhD.

The thrust of Ms. Hartt's statement is that the "present invention is directed to a construction composition that is low cost and aesthetically pleasing, while incorporation indigenous materials and recycling flyash into a useful construction composition." And, that "(a)nother aspect of the invention is a wall structure that includes environmentally friendly and/or recycled materials."


The statement by applicants' agent is insufficient to grant either a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section VI: Energy. In this regard, petitioner has failed to show a direct link between the construction composition and wall structure, of the above-noted application, and either a material enhancement in the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, or a material contribution to the utilization and conservation of energy sources.

The petition to make special based on Environmental Quality is **DISMISSED**.

The petition to make special based on Energy is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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SNM/rwg: 11/23/04